

Article - Education

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§16–704. NOT IN EFFECT

**** TAKES EFFECT SEPTEMBER 1, 2022 PER CHAPTERS 16 AND 27 OF THE 2021 SPECIAL SESSION ****

(a) After receiving a petition for an election for an exclusive representative, the Board shall investigate the petition for purposes of verification and validation.

(b) Subject to subsection (c) of this section, a petition for an election may be submitted by:

(1) An employee organization that demonstrates that at least 30% of the employees in a bargaining unit wish to be represented for collective bargaining by an exclusive representative; or

(2) A public employee, a group of public employees, or an employee organization that demonstrates that at least 30% of the employees assert that the existing designated exclusive representative is no longer the representative of the majority of employees in the bargaining unit.

(c) (1) A petition submitted under subsection (b) of this section shall include showing of interest forms provided to the Board from an employee organization.

(2) A showing of interest form shall be accepted by the Board if the form includes electronic or handwritten signatures.

(3) (i) Except as provided in subparagraph (ii) of this paragraph, a showing of interest form is valid if the signatures were collected within the 18-month period immediately preceding the date on which a petition for an election is filed.

(ii) For an election that is conducted to determine that an exclusive representative no longer represents a unit, a showing of interest form is valid if the signatures were collected within the 90-day period immediately preceding the date on which a petition for election is filed.

(4) A showing of interest form may be used by a public employee for more than one public employer as long as the public employee works for the public employer.

(d) (1) Subject to paragraph (2) of this subsection, a public employer shall provide to the Board and an employee organization an alphabetical list of public employees in each bargaining unit within 2 days after a petition for an election is filed.

(2) The list required to be provided under paragraph (1) of this subsection shall:

(i) Include for each public employee on the payroll for the last pay period before a petition for election is filed, the public employee's:

A. Name;

B. Position classification;

C. Home and work site addresses where the employee receives interoffice or United States mail;

D. Home and work site telephone numbers;

E. Personal cell phone number; and

F. Work e-mail address; and

(ii) Identify each public employee that should be excluded as an eligible voter with a statement explaining the reason for the exclusion.

(3) A public employer may not challenge the eligibility of a public employee's vote in an election if the employer fails to explain the reason for excluding a public employee under this subsection.

(4) Names or lists of employees provided to the Board in connection with an election under this section are not subject to disclosure in accordance with the Public Information Act.

(e) (1) Subject to paragraph (2) of this subsection, the Board shall:

(i) Promptly determine the adequacy of the showing of interest by comparing showing of interest forms to the eligibility list provided by a public employer under subsection (d) of this section; and

(ii) Provide notice to an employee organization of the determination.

(2) If the Board determines under paragraph (1) of this subsection that a required showing of interest is not adequate, the Board:

(i) Shall allow an employee organization to submit additional showing of interest forms within 30 days after the employee organization is notified of the determination; and

(ii) May provide additional time to an employee organization to provide additional forms for good cause.

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